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EXAMINER

SHAPIRO, LEONID

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/905,423	Applicant(s) PATRICK HAYES	
	Examiner Leonid Shapiro	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 and 13-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 13-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the newly introduced limitation to claims 7, 9-10, 13, 15-17: "data that functions to identify the consumer appliance" and to claims 23, 26: "data that functions to identify the make of the consumer appliance" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claim 7-10, 13-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The newly introduced limitation to claims 7, 9-10, 13, 15-17: " data that functions to identify the consumer appliance" and to claims 23, 26: " data that functions to identify the make of the consumer appliance" are not described in the specification.

Data could not function, circuits could.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-8,10,13-14, 16-17, 23, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (US Patent No. 6,104,334) in view of Takechi et al. (JP 09-280557) and Freeman et al. (Pub. No.: US 2004/0261127 A1).

As to claim 7, Allport teaches a method of displaying information to a consumer relevant to the operation of consumer appliance (See Col. 6, Lines 23-34), comprising:

entering into a hand-held device data that functions to identify the consumer appliance (See Figs. 14-15, items 10, 65, 420, from Col. 21, Line 59 to Col. 22, Lines 1027),

using the data at the Web server to retrieve an electronic document (IR command library) for the purpose of operating the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, Col. 22, Lines 25-65 and Col. 8, Lines 60-63),

transmitting the electronic document from Web server to a hand-held device whereby a representation of the electronic document is displayable on the hand-held device (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating (maintaining and repairing) the consumer appliance (See Drawing 1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 2, paragraph 0007-0008).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine human-readable information into Allport system in view of teaching of Takechi et al. in order enable a repairman to execute repair even when a manual is not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server, using the data that functions to identify the consumer appliance.

Freeman et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server (See Fig. 6, items 25, 610, 170, page 10, paragraph 0139), using the data that functions to identify the consumer appliance (See Fig. 6, items 25, 610, 170, page 10, paragraph 0137).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in view of teaching of Freeman et al. in order to allow the viewer active participation in selecting digital video streams (See page 1, paragraph 0008 in the Freeman et al. reference).

As to claim 13, Allport teaches in hand-held device having a display (See Figs. 14-15, item 10), a readable media having instructions for displaying information relevant to the operation of consumer appliance (See Figs. 14-15 items 405, 420), the instructions performing steps comprising:

storing data that functions to identify the consumer appliance (See Fig. 15, items 10, 65, 420, Col. 22, Lines 10-33);

receiving the electronic document from a Web server (See Fig. 15, items 10, 65, 420, Col. 22, Lines 10-33);

causing the data to a Web server which uses the data to retrieve an electronic document (IR command library) for instructing a consumer how to interact

with the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, Col. 22, Lines 25-65 and Col. 8, Lines 60-63),

displaying a representation of the electronic document in the display (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, in Description See Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating (maintaining and repairing) the consumer appliance (See Drawing 1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 4, paragraph 0036).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine human-readable information into Allport system in view of teaching of Takechi et al. in order enable a repairman to execute repair even when a manual is not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server, using the data that functions to identify the consumer appliance.

Freeman et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server (See Fig. 6, items 25, 610, 170, page

10, paragraph 0139), using the data that functions to identify the consumer appliance (See Fig. 6, items 25, 610, 170, page 10, paragraph 0137).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in view of teaching of Freeman et al. in order to allow the viewer active participation in selecting digital video streams (See page 1, paragraph 0008 in the Freeman et al. reference).

As to claim 17, Allport teaches a system, comprising:

a hand-held device having a display and memory in which is stored data that function identify a make of a consumer appliance (See Fig. 15, items 10, 65, Col. 22, Lines 10-33),

Web site on which an electronic document (IR command library) for instructing a consumer how to interact with the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, Col. 22, Lines 25-65 and Col. 8, Lines 60-63),

wherein the hand-held device is adapted to communicate the data to the Web site to retrieve the electronic document whereby a representation of the electronic document may be displayed in the display (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating (maintaining and repairing) the consumer appliance (See Drawing 1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 4, paragraph 0036).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine human-readable information into Allport system in view of teaching of Takechi et al. in order enable a repairman to execute repair even when a manual is not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server, using the data that functions to identify the consumer appliance and download the electronic document to the hand-held device.

Freeman et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server (See Fig. 6, items 25, 610, 170, page 10, paragraph 0139), using the data that functions to identify the consumer appliance (See Fig. 6, items 25, 610, 170, page 10, paragraph 0137).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in view of teaching of Freeman et al. in order to allow the viewer active participation in selecting digital video streams (See page 1, paragraph 0008 in the Freeman et al. reference).

As to claim 23, Allport teaches a hand-held device, comprising:

a display and memory in which is stored data that function identify a make of a consumer appliance (See Fig. 15, items 10, 65, in description See Col. 22, Lines 10-33),

a browser application comprising instructions for retrieving via a network connection an electronic document (IR command library) in a form for instructing a consumer how to interact with the consumer appliance (load, test, unload) (See Fig. 15, items 10, 65, 420, in description See Col. 22, Lines 25-65 and Col. 8, Lines 60-63) that is identified by the data in the memory and for displaying a representation of the retrieved document in the display (See from Col. 5, Line 54 to Col. 6, Line 13 and Fig. 2, item 100, in Description See Col. 11, Lines 17-21).

Allport does not show an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance.

Takechi et al. teaches an electronic document comprising human-readable information how to interact with one or more controls of the consumer appliance for the purpose of operating (maintaining and repairing) the consumer appliance (See Drawing 1, items 8, 10-13, Detailed Description page 3, paragraphs 0029-0030 and page 4, paragraph 0036).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine human-readable information into Allport system in view of teaching

of Takechi et al. in order enable a repairman to execute repair even when a manual is not at hand (See Col. 4, Lines 49-51 in Takechi et al. reference).

Allport and Takechi et al. do not show uploading the data that functions to identify the consumer appliance from the hand-held device to a Web server, using the data that functions to identify the consumer appliance and to retrieve the electronic document.

Freeman et al. teaches uploading the data that functions to identify the consumer appliance from device to a Web server (See Fig. 6, items 25, 610, 170, page 10, paragraph 0139), using the data that functions to identify the consumer appliance (See Fig. 6, items 25, 610, 170, page 10, paragraph 0137).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine uploading and identifying in Takechi et al. and Allport system in view of teaching of Freeman et al. in order to allow the viewer active participation in selecting digital video streams (See page 1, paragraph 0008 in the Freeman et al. reference).

As to claims 8, 14, Allport teaches a browser application for retrieving and displaying the representation of the electronic document (See Col. 24, Lines 51-65).

As to claims 10, 16, 27, Allport teaches a remote control having a memory in which are stored a library of command codes for commanding the operation of a plurality of different consumer appliances and a set-up program by which the data that function to identify of the consumer appliance is used to select command codes from the library of command codes that are appropriate to command the operation of the

consumer appliance (See Fig. 15, items 10, 65, 420, in description See Col. 22, Lines 25-65 and Col. 8, Lines 60-63).

As to claim 25, Allport teaches the network comprises the Internet (See Col. 5, Lines 54-59).

4. Claims 9, 15, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al., Allport and Takechi et al. as aforementioned in claims 7, 13, 23 in view of Ketcham (US Patent No. 6,195,589 B1).

Freeman et al., Allport and Takechi et al. do not show a bar code reader as part of the hand-held device for use in entering the data that function to identify the consumer appliance.

Ketcham teaches a bar code reader as part of the hand-held device for use in entering the information representative of the consumer appliance (See Fig. 3, item 54, in description See Col. From Col. 3. Line 60 to Col. 5, Line 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a bar code reader in Freeman et al., Allport and Takechi et al. method in view of teaching of Ketcham because appliances could be remotely controlled.

5. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al., Allport and Takechi et al. as aforementioned in claim 17 in view of Kolawa et al. (US Patent No. 6,236,974 B1).

Freeman et al., Allport and Takechi et al. do not show the appliance, as a kitchen appliance and the human-readable information comprise a recipe.

Kolawa et al. teaches the appliance as a kitchen appliance and the instruction relevant to the operation of the consumer appliance comprise a recipe (See Fig. 1, items 10,16, in description See from Col. 2, Line 66 to Col. 3, Line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a kitchen appliance and the human-readable information comprise a recipe Kolawa et al. in Freeman et al., Allport and Takechi et al. apparatus in view of Kolawa et al. teaching because appliances could be remotely controlled.

6. Claims 19-22, 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al., Allport and Takechi et al. as aforementioned in claims 17 and 23 in view of Amro et al.

Freeman et al., Allport and Takechi et al. do not show the human-readable information comprises multiple linked pages and browser which adapted user manual.

Amro et al. teach hand-held device (a remote control) comprises PDA (See Fig. 5, item 110, in description See Col. 5, Lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time of the invention that PDA will be able to use the human-readable information with multiple linked pages and browser which adapted user manual in the Freeman et al., Allport and Takechi et al. apparatus and method in view of teaching of Amro et al. because appliances could be remotely controlled.

Response to Amendment

7. Applicant's arguments filed on 10-21-04 with respect to claims 7-10, 13-27 have been fully considered and are persuasive but are moot in view of the new ground(s) of rejection.

Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ls

04.08.05


JIMMY NGUYEN
PRIMARY EXAMINER